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Chairman: Mr. Yáñez-Barnuevo ..... (Spain)

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The meeting was called to order at 11.05 a.m.

Agenda item 79: Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session (*continued*) (A/C.6/60/L.7* and A/C.6/60/L.8)

1. **The Chairman** informed the Committee that the draft resolution on the report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session had been reissued for technical reasons, and was contained in document A/C.6/60/L.7*.

2. **Mr. Bühler** (Austria), introduced the draft resolution on the Report of the United Nations Commission on International Trade Law on the work of its thirty-eighth session (A/C.6/60/L.7*). He was pleased to note that Azerbaijan had asked to be included in the list of sponsors. He pointed out that the draft resolution was very similar to the one adopted in 2004, and proceeded to review its content.

3. **The Chairman** introduced the draft resolution on the draft United Nations Convention on the Use of Electronic Communications in International Contracts (A/C.6/60/L.8), which had been prepared by the Bureau. The draft resolution, to which the text of the Convention was annexed, proposed the adoption of that instrument by the General Assembly, requested the Secretary-General to open it for signature and called on all Governments to consider becoming parties thereto.

4. Although the Commission had recommended that the Convention should remain open for signature for two years after the date of its adoption by the General Assembly, the Bureau proposed instead that the Convention should be open for signature for a period of two years commencing several weeks after its adoption, in order to allow sufficient time for the preparation of the original in the official languages. The Secretariat would append the date on which the draft Convention would be open for signature to article 15, and the relevant date would appear in the testimonium within the text of the draft Convention to be issued in the Committee's report.

Agenda item 108: Measures to eliminate international terrorism (*continued*) (A/C.6/60/L.6, A/C.6/60/INF/1 and 2)

5. **Mr. Perera** (Chairman of the Ad Hoc Committee established by General Assembly resolution 51/210 of 17 December 1996 and of the Working Group on measures to eliminate international terrorism), introducing the report of the Working Group (A/C.6/60/L.6), said that the annex to the report contained his informal summaries of the two topics under discussion, the draft comprehensive convention on international terrorism and the question of the convening of a high-level conference. In accordance with established practice, those informal summaries were included for reference purposes only, and were not intended as a record of the discussion. In contrast to previous years, the Working Group had not included a recommendation in its report, in order to allow more time for informal consultations and informal bilateral contacts. In his view, those discussions revealed a genuine desire among delegations to remain engaged in an open and constructive dialogue on the difficult questions delaying the finalization of the draft convention. On the basis of the proposals that had emerged, the Friends of the Chairman had formulated two non-papers (A/C.6/60/INF/1 and 2).

6. The first non-paper, a proposed addition to draft article 18 in the form of an additional paragraph which would carry the number 5, addressed the issue of the delineation of the legal regime under the draft Convention and under international humanitarian law. The text was based on the premise that, in situations where international humanitarian law applied, the legal balance established by that body of law must not be altered. That meant that where international humanitarian law applied, acts that were carried out in conformity with such law must not be criminalized by another body of law. On the other hand, acts that were not in conformity with international humanitarian law, such as deliberate attacks on civilians, would indeed fall within the scope of the Convention. The second non-paper contained a proposed preambular paragraph reaffirming the right to self-determination of peoples in accordance with the Charter of the United Nations and the Declaration of Principles of International Law concerning Friendly Relations and Cooperation among States.

7. It had been stressed during the informal consultations that the negotiations had reached a stage

at which it should be possible to find solutions that would bridge the various well-known positions of delegations, and that those proposals should be collectively viewed in context. The non-papers were meant to facilitate discussion and not to replace any previous proposals unless they enjoyed the necessary support. He urged delegations to consult with their capitals, among themselves, and within their groups. He would also be available, together with the Friends of the Chairman, for bilateral contacts. If delegations could accept those proposed additions and view them as integrated elements of an overall solution, the issues protracting the negotiations would be resolved.

8. The reactions he had thus far received had been of a constructive nature. He reminded the Committee of the exhortation by the President of the General Assembly to all Permanent Representatives to finalize the draft convention by the end of 2005, and he stressed the urgency of so doing.

9. **The Chairman** said that he encouraged all delegations to do their utmost to make the negotiations on the draft comprehensive convention on international terrorism a success. He believed that the goal of finalizing the draft convention by the end of 2005 was achievable; the coming days, however, would be critical ones.

The meeting rose at 11.40 a.m.